

MINUTES OF



RICHLAND COUNTY COUNCIL'S REGULAR SESSION MEETING TUESDAY, OCTOBER 5, 2004 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

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MEMBERS PRESENT

CHAIR	Bernice G. Scott
Vice-Chair	Joan B. Brady
Member	Susan Brill
Member	Doris M. Corley
Member	Paul Livingston
Member	Joseph McEachern
Member	Anthony G. Mizzell
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Thelma M. Tillis
Member	James Tuten

ALSO PRESENT: Michielle Cannon-Finch, T. Cary McSwain, Larry Smith, Carrie Neal, Amelia Linder, Milton Pope, Tony McDonald, Kendall Johnson, Roxanne Matthews, Anna Almeida, Michael Criss, Chief Harrell, Stephany Snowden, Harry Huntley, Ralph Pearson, Monique Walters, Marsheika Martin

CALL TO ORDER

The meeting was called to order at approximately 6:05 p.m.

INVOCATION

The Invocation was given by the Honorable James Tuten

PLEDGE OF ALLEGIANCE

Ms. Brady recognized the East Minister's Scout Troup #10 and she requested for the young gentlemen to lead the Pledge of Allegiance.

PRESENTATION – Center for Social Inclusion – Ms. Maya Wiley, Director, reported on development and population growth in Richland County.

ADOPTION OF AGENDA

Ms. Michelle Cannon-Finch, Clerk of Council, stated Citizen's Input needed to be added to the agenda, as well as the Report of the Economic Committee.

Ms. Brady moved, seconded by Ms. Corley, to add the items to the agenda. The vote in favor was unanimous.

Ms. Brady moved, seconded by Ms. Corley, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, stated the Dutch Fork Magistrate Property Acquisition and the Economic Development item that was added to the agenda.

APPROVAL OF MINUTES – Regular Session Meeting – September 21, 2004 – Mr. Tuten moved, seconded by Ms. Brady, to approve the minutes. The vote in favor was unanimous.

REPORT OF COUNTY ADMINISTRATOR

Mr. T. Cary McSwain reported on the following items:

Potential Work Session Items – Council moved this item to the Motion Period.

Time Warner Cable Update – Mr. Tony McDonald, Assistant County Administrator, gave an update on the renewal contract. He stated a needs assessment will be performed, a financial audit needs to be completed, a master cable ordinance is under review, the City of Columbia is drafting its own cable ordinance.

REPORT OF THE CLERK OF COUNCIL

Ms. Michelle Cannon-Finch, Clerk of Council, reported on the following:

Jackson Creek Fire Station Dedication – Council was reminded on the ceremony which is to take place on Friday, October 8th at 10:00 a.m.

Customer Service Appreciate Luncheon – Council was reminded of the luncheon which is to take place on Tuesday, October 12th.

Related Party Transaction Form – Council was reminded to turn forms in to the Clerk's Office.

Schedule for December – Council decided not to meet the last two weeks of December. Staff was directed to re-arrange the meetings for December.

OPEN/CLOSE PUBLIC HEARING ITEMS

There were no public hearing items at this time.

APPROVAL OF CONSENT ITEMS

Ms. Brady moved, seconded by Ms. Tillis, to approve the following items for the consent agenda:

- **04-67MA, William Smoak, RU to C-3, Expansion location for R&R Motors, 02600-06-14, 11126 Broad River Road, (US Hwy. 176) [Second Reading]**
- **04-70MA, Cornell H. Boyd, D-1 to C-3, Beauty Salon, 14205-04-01/02/03/04, North Side of Fontaine Road, ¼ mile West of Two Notch, 1104, 1108,1112, 116 Fontaine Road [Second Reading]**
- **05-01MA, Danny Kiser, RU to C-2, Alteration Shop, 14700-07-05/07, Corner of Wilson Blvd (Hwy 210) [Second Reading]**
- **05-02, Lee Miller, RU to PUD-1R, Residential Subdivision, 25900-03-14(P), Bookman & Old Two Notch Road [Second Reading]**
- **05-04MA, Coogler Construction Company, C-3 to PDD, Continuance & expansion of existing use, 02408-02-06, 1750 Dutch Fork Road (Hwy 76) [Second Reading]**
- **05-05MA, Clifton Kinder, D-1 to PUD-1R, Commercial/Residential PUD, 21800-01-03/14 & 21900-09-08, Corner of Trotter & Garners Ferry Roads [Second Reading]**
- **05-07MA, Killian Lakes, M-1 to PUD-1R, Commercial/Residential PUD, 17300-02-03, Farrow Road south of Killian Road [Second Reading]**
- **05-09MA, Gentry Development, LLC, RU to C-3, Retail Center, 17400-06-10 & 17400-07-01/02/04, & portion of Old Clemson Road, Intersection of Clemson & Longtown Road [Second Reading]**
- **Animal Care: Ordinance to Amend Chapter 5, Animals and Fowl**
- **Arthurtown Community Redevelopment Project Right-of-Way Condemnations**
- **Ordinance to Authorize Easement to SCE&G at 5 Medical Park Drive-Palmetto Richland Hospital Heart Wing**
- **Quit-Claim Deed Peyton Road and Pepper Street**
- **Hospitality Tax Funding Request: Swamp Fest 2004**
- **Hospitality Tax Funding Request: 2005 Taco Bell Track and Field Classic**
- **Interlocal Agreement for Capital Trust Agency Bond Issue**
- **Sheriff's Department Budget Amendment: DNA and Firearms Lab**
- **Neighborhood Redevelopment Update**

The vote in favor was unanimous.

THIRD READING ITEMS

04-54MA, Pat Murphy, D-1/C-1 to PDD, Dormitories, 09404-02-03(P), 7118 Monticello Road

Mr. McEachern moved, seconded by Mr. Livingston, to give Third Reading approval to the re-zoning request. The vote in favor was unanimous.

04-65MA, Fairfield Electric, RU to PDD, Office buildings, Warehouse & Outdoor Storage/12600-03-01/02

Mr. Tuten moved, seconded by Mr. Pearce, to approve this item.

Mr. McEachern made a substitute motion, seconded by Ms. Tillis, to deny this item.

The vote on the substitute motion was as follows:

<u>In favor</u>	<u>Oppose</u>
Brady	Pearce
Brill	Livingston
McEachern	Corley
Smith	Mizzell
Tillis	Scott
	Tuten

The motion failed.

The vote for the main motion was as follows:

<u>In favor</u>	<u>Oppose</u>
Pearce	Brady
Livingston	Brill
Corley	McEachern
Mizzell	Smith
Scott	Tillis
Tuten	

The motion passed.

FY 04-05 Millage Ordinance

Mr. Livingston moved, seconded by Mr. Pearce, to approve the ordinance. The vote in favor was unanimous.

SECOND READING ITEM

Text Amendments to Chapter 26 of the County Code (the Zoning Ordinance) regarding bulletin signs incidental to churches

Ms. Smith refreshed Council's memory on the last action taken. She stated staff has come back with another draft which would accomplish the same purpose in a better way technically.

Ms. Smith moved, seconded by Mr. Livingston, adoption of the amended ordinance for Second Reading.

Ms. Smith stated the amendment would take it back down to 12 feet along with a grandparent provision.

Ms. Linder stated staff recommended that the size, square footage and height remain the same.

Ms. Smith moved adoption of the ordinance on Page 60 for Second Reading, but change the numbers back to 12, seconded by Ms. Brady. The vote in favor was unanimous. (Please see attachment-A)

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Quit-Claim Deed – Peyton Road and Pepper Street

Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

A discussion took place.

The vote was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Planning and Development: Adoption of the 2003 Editions of the International Building Code, International Fire Code, International Mechanical Code, International Plumbing Code, and International Energy Conservation Code

Mr. Pearce stated the Committee recommended First Reading approval and that staff meets with the Home Builders Association prior to third reading.

Mr. Pearce made a substitute motion, seconded by Mr. Tuten, to adopt the 2003 editions of the Codes without the appendices.

Discussions took place.

Mr. Smith stated Council has the option to adopt Chapter 1 of the codes separately. He needed to know if Mr. Pearce's motion included Chapter 1. Mr. Pearce stated that was fine.

After further discussion, Mr. Livingston made a second substitute motion, seconded by Mr. Mizzell, to amend the motion to allow the appendices to be discussed after staff meets with the Home Builders so Council can decide what will be done with them.

Mr. Livingston stated the meeting can be scheduled by staff.

The vote in favor was unanimous.

Sheriff's Department Budget Amendment: Petrol, Oil and Lubricant, and Administrative Services Fee

The Committee recommended that Council approve the budget amendment in the amount of \$200,000 for the purpose of providing for a budget shortfall in petrol, oil and lubricant, and establish a fee schedule allowing the Sheriff's Department to charge persons contracting with them a fee of \$5.00 per hour for administrative services.

Mr. McEachern moved to approve this item.

Ms. Smith made a substitute motion, seconded by Mr. Pearce, to adopt the language that was originally recommended with the proviso that if there are funds left over, the Sheriff could make application for these funds for any other use where he has a shortfall in his budget.

A discussion took place.

Mr. McEachern clarified his motion stating that he wants to give the Sheriff the ability to make decisions on funding

The discussion continued.

Ms. Brady requested an amendment to the language re-inserting "fuel" instead of "budgetary shortfalls". Mr. McEachern accepted Ms. Brady's amendment.

The discussion continued.

Ms. Smith made a second substitute motion, seconded by Mr. Pearce, to adopt the committee's recommendation and the budget amendment, the ordinance amendment for First Reading and get a report back to see if Council can reach an agreement on the procedures set up and provide an amendment to that effect on Second Reading.

A discussion took place.

Ms. Smith withdrew her second substitute motion and moved to adopt the Sheriff's recommendation and direct staff and the Sheriff to work out the specifics of the account and then bring it back to Council for Second Reading and adopt the budget ordinance. The vote in favor was unanimous.

Sheriff's Department Budget Amendment: Victims Assistance Program

The Committee recommended approval of Option/Scenario Two (a): spread the money; take the \$741,545 and spread it to the Solicitor-\$112,188, Court Administration-\$78,631, Sheriff-\$414,307 and Detention Center-\$80,490; which leaves a balance of \$55,929; that would be spread in conformance of Option-A and an additional \$30,000 would be added to that to go to the Sheriff. Administration also included several program recommendations which come as a result of the State's Audit which is intended to accompany Council's directive.

Mr. McEachern made a substitute motion, seconded by Ms. Corley, to approve a draft of the appropriation of revenues of \$250,471.00 in expenditures to the Sheriff's budget.

A discussion took place.

Ms. Smith made a second substitute motion, seconded by Mr. Mizzell, to adopt the committee's recommendation.

After discussion, Mr. Livingston offered an amendment to the second substitute motion, seconded by Ms. Corley, to add \$14,201.00 to the Sheriff's budget. The vote for the amendment to the second substitute motion was in favor.

Ms. Smith requested division.

The vote was as follows:

<u>In favor</u>	<u>Oppose</u>
Livingston	Pearce
Corley	Mizzell
Scott	Brady
Tuten	Smith
Brill	
McEachern	
Tillis	

After discussion, the vote was retaken. The vote was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE
Notification of Vacancies on Boards, Commissions and Committees

Mr. McEachern notified Council and the public of the following vacancies:

- **Airport Commission-2**
- **Riverbanks Zoo-1**

Notification of Appointments to Boards, Commissions and Committees

Airport Committee-2

Mr. McEachern stated that there are two vacancies on this board and two applications were submitted. He stated the Committee recommended appointing Mr. John C.B. Smith, Jr. and Mr. Billie E. Turner. The vote in favor was unanimous.

Community Relations Council-1

Mr. McEachern stated that there is one vacancy on this board and two applications were submitted.

The vote was as follows:

<u>Lucas</u>	<u>Parker</u>
Pearce	Brady
Livingston	Tuten
Corley	Scott
Mizzell	Brill
	McEachern
	Tillis

Ms. Celestine Parker was appointed to the board.

Employee Grievance Committee-1

Mr. McEachern stated that there is one vacancy on this board and two applications were submitted.

The vote was as follows:

<u>Price</u>	<u>Devors</u>
Scott	
Livingston	
Corley	
Pearce	
Mizzell	
Brady	
Tuten	
Brill	
McEachern	
Tillis	

Mr. Geonard H. Price was appointed to the board.

Appearance Commission

Clarification on term limits – Mr. McEachern stated the Committee requested for the ordinance to be amended so that the persons' terms on this particular committee would run concurrently with their Council representatives'. The vote in favor was unanimous.

Flag Procedures – This item was held in Committee.

Council Protocol – This item was held in Committee.

CITIZEN'S INPUT – No one signed up to speak at this time.

ECONOMIC DEVELOPMENT COMMITTEE

Tax Exemption Request: Sjolund Enterprise

Mr. Livingston stated the Committee recommended approval of the exemption request, which would lower the tax bill for Sjolund to \$29,400.00. The vote in favor was unanimous.

Time Warner Cable Easement: Koyo Bearing

Mr. Livingston stated the Committee recommended that Council approve the easement to allow Time Warner Cable to be provided by Koyo Bearing. The vote in favor was unanimous.

EXECUTIVE SESSION

Mr. Livingston moved, seconded by Ms. Corley, to go into Executive Session to discuss the following:

- **Property Acquisition – Dutch Fork Magistrate's Office**
- **Farmer's Market**

The vote in favor was unanimous.

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Council went into Executive Session at approximately 8:00 p.m. and came out at approximately 8:45 p.m.
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It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

Property Acquisition – Dutch Fork Magistrate’s Office

Mr. McEachern moved, seconded by Mr. Pearce, to instruct the Administrator as discussed in Executive Session. The vote in favor was unanimous.

Farmer’s Market – This was received for information.

MOTION PERIOD

Potential Work Session Items

Ms. Smith suggested to schedule the times and direct staff to select the priority items.

After brief discussions, Council decided on the following schedule:

- **Work Session – Thursday, October 28th at 4:00 p.m.**
- **Regular Session Meeting – Thursday, October 28th at 6:00 p.m.**
- **Cancel the meeting scheduled for Tuesday, November 2nd at 6:00 p.m.**

Happy Birthday to Mr. Pearce – Mr. Pearce received Birthday wishes from Council and staff.

Council members were appointed to the following task forces:

- **Major Capital Projects Plan** – Smith, Pearce, Tillis and Brill
- **Solid Waste/Stormwater Management** – Tuten and McEachern
- **Stormwater Management-NPDES** – Brady and Corley
- **City of Columbia** – Mizzell and Livingston

Ms. Smith stated staff will contact each individual Council member when the meetings are scheduled.

American Red Cross for Presentation - Ms. Smith would like to invite a representative to make a presentation before Council on October 19th regarding emergency funding.

Local Option Sales Tax – Mr. Mizzell moved to amend Ordinance #041-04HR, without reference, so as to provide that if the Local Option Sales Tax is enacted by the voters on November 2nd, Richland County Council will consider placing this issue back on the ballot if petitioned by 10% of the registered voters county-wide. Mr. Pearce seconded the motion. The vote in favor was unanimous.

President of the South Carolina Association of Counties – Mr. Pearce informed Council that Mr. Barrett S. Lawrimore passed away today. He requested the County Administrator to send something appropriate to the family.

ADJOURNMENT – The meeting adjourned at approximately 9:09 p.m.

Bernice G. Scott, Chair

Joan B. Brady, Vice-Chair

Susan Brill

Doris M. Corley

Paul Livingston

Joseph McEachern

Anthony G. Mizzell

L. Gregory Pearce, Jr.

Kit Smith

Thelma M. Tillis

James Tuten

The minutes were transcribed by Marsheika G. Martin

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